

## Laval théologique et philosophique



## Liberal and Socialist Egalitarianism

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Volume 46, numéro 1, février 1990

Révélation et herméneutique

URI : <https://id.erudit.org/iderudit/400511ar>

DOI : <https://doi.org/10.7202/400511ar>

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Éditeur(s)

Faculté de philosophie, Université Laval

ISSN

0023-9054 (imprimé)

1703-8804 (numérique)

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Citer cet article

Nielsen, K. (1990). Liberal and Socialist Egalitarianism. *Laval théologique et philosophique*, 46(1), 81–96. <https://doi.org/10.7202/400511ar>

## □ note critique

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# LIBERAL AND SOCIALIST EGALITARIANISM

Kai NIELSEN

*RÉSUMÉ.* — En réponse à quelques critiques de mon *Equality and Liberty*, je manifeste et défend une conception d'égalitarisme socialiste. Je la mets en contraste avec l'égalitarisme rawlsien, je précise le champ de son application et j'articule une conception d'égalité de condition enracinée dans un principe qui prescrit un engagement (dans une situation d'abondance matérielle) à procurer des conditions qui assurent, autant que cela est faisable, la satisfaction égale des besoins.

*SUMMARY.* — Responding to some criticisms of my *Equality and Liberty*, I elucidate and defend a conception of socialist egalitarianism. I contrast this with Rawlsian egalitarianism, specify the scope of its application and articulate a conception of equality of condition rooted in a principle which prescribes a commitment (under conditions of material abundance) to providing conditions which secure, as far as that is feasible, the equal satisfaction of needs.

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### I

In my *Equality and Liberty* and in my *Marxism and the Moral Point of View*, I present a ramified defense of what I have called radical egalitarianism and what some others have called, perhaps more appropriately, socialist egalitarianism<sup>1</sup>. I set out, whatever you want to call it, to characterize and defend a conception of equality of condition designed to give us a substantial equality that would make possible a genuinely fair equality of opportunity and would yield a sufficiently rough equality of resources to make possible the construction and sustaining of institutional structures

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1. Kai NIELSEN, *Equality and Liberty: A Defense of Radical Egalitarianism*. Totowa, New Jersey, 1985 Rowman and Allenheld, and *Marxism and the Moral Point of View* (Boulder, Colorado 1988, Westview Press.)

that would make it possible for individuals, as far as possible, with the various and varying needs they have, to have equal need satisfaction at the highest level of need satisfaction that is compossibly possible for everyone alike. I also argue that (*pace* right-libertarians) such an egalitarianism can be an autonomy respecting egalitarianism respecting individual desert, entitlement and self-ownership. It is a central part of my argument to show that liberty and autonomy do not have equality, including a substantial equality of condition, as an enemy but that the extensive flourishing of liberty requires such an equality. Justice is not undermined by equality but, where the justice in question is social justice, a just set of institutions are a set of institutions committed to the achievement of equality.

I also argue that such egalitarian justice and radical equality of condition could only be a heuristic ideal where we do not live under conditions of considerable abundance. The productive forces of society, for such equality to be able to be a reality, must be extensively developed. Where all the world had the productive wealth of present day Switzerland such an equality could become a reality<sup>2</sup>. It is evident enough that we are a long way from being in such a condition yet. For us, standing in the socio-economic conditions in which we stand, such socialist equality (not socialism itself) could only be a heuristic ideal to be approximated. But it is not without its value for all of that. It gives us a good sense of what to aim finally to achieve.

I also argue that such an equality requires, for its instantiation, a democratic socialist organization of society where there is a public ownership and control of the major means of production and a workers' democracy in a world in which every able bodied person is or will be or has been a worker<sup>3</sup>. We would have, that is, in a perfectly straightforward sense, a classless society.

I have had some rather silly and *parti pris* right libertarian reviews of my account but I have also been fortunate enough to have had some fair minded and penetrating criticisms. I refer to a criticism of Rodney Peffer from inside socialism and with a basically similar socialist conception of egalitarian justice and two liberal egalitarian basically Rawlsian critiques, one by Kaveh Kamooneh and another by David Richards. I shall consider these criticisms in order starting with Peffer's, moving on to Kamooneh's and finally considering Richards' more sweeping criticisms<sup>4</sup>. I shall, of course, try to meet these criticisms where I think they are mistaken. But I shall also be

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2. This is argued in my *Equality and Liberty* but it is even more emphatically argued in a series of articles subsequent to it. See my "Radically Egalitarian Justice" in *Legal Theory Meets Legal Practice*, Anne Bayefsky, ed. (Edmonton, Alberta: Academic Printing and Publishing, 1988), pp. 53-69; my "Arguing for Equality," *Philosophical Exchange* (1987); my "Having at Equality Again," *Dialogue* Vol. 26 (1986); and my "Autonomy and Justice," *Proceedings of XVIII World Congress of Philosophy* (1988).
  3. My *Equality and Liberty* and my "Capitalism, Socialism and Justice" in T. Regan and D. Van De Veer (eds.), *And Justice for All* (Totowa, NJ: Rowman and Littlefield, 1982).
  4. Rodney G. PEFFER, "Toward an Adequate Theory of Social Justice," *Canadian Philosophical Association Meetings* (Windsor, Ontario, May 31, 1988). This critique is expanded in his *Marx, Morality and Justice* (Princeton, New Jersey: Princeton University Press, 1989), Kaveh KAMOONEH, "Justice as Fairness or as Equality," *The Journal of Value Inquiry* Vol. 21 (1987), pp. 65-71, and David A.J. RICHARDS, "Book Review," *New York University Law Review*, Vol. 60, No 6 (December, 1985), pp. 1188-1201. See also Bruce LANDESMAN, "Review of Kai Nielsen's *Equality and Liberty*," *Canadian Philosophical Review* Vol. 6 (1986) and Andrew LEVINE, "Review," *Ethics* Vol. 96 (1986).

concessive where that is due. My aim is to clarify, modify where necessary, and seek to more adequately articulate a conception of socialist egalitarianism and justice and to show why it is, everything considered, a morally more adequate conception than liberal egalitarianism.

## II

Rodney Peffer rightly points out that both this account of justice and mine originated in our not unsympathetic critique of Rawls's egalitarian conception of justice as fairness. Neither of us agree with Ronald Dworkin's claim that Rawls's account is as egalitarian as it is reasonable to be<sup>5</sup>. We both seek to articulate an account of social justice that is more thoroughly and consistently egalitarian than is Rawls's and we both stress, here in agreement with Rawls, that it must be an autonomy respecting egalitarianism. We also share with Rawls a common moral methodology, namely a methodology which tests the adequacy of a normative account of morality by showing how more adequately than its rivals it gets the fullest range of considered judgments into wide reflective equilibrium with everything else we know or reasonably believe<sup>6</sup>. We also, for good or for ill, largely agree in background empirical/theoretical assumptions — in political sociology, as I would put it — and here we both depart from Rawls<sup>7</sup>. We both think, for example, that under contemporary conditions the design of a just society will require democratic socialist institutions; we do not agree with Rawls that an adequate theory of justice will be neutral between socialism and capitalism where they each show something like a human face, e.g. Yugoslavia, on the one hand, and Sweden on the other.

So our dispute, if that is the right word for it, is like a not very vehement family dispute. Peffer is right in saying that the four modifications he has made of Rawls's theory have in effect been incorporated into my account. What is at issue between us, starting with similar background assumptions and with the same or at least a very similar range of moral intuitions (considered judgments), is which account of social justice, his or mine, gives the more perspicuous representation of those intuitions together with the factual beliefs relevant to reflective judgments about social justice.

Peffer baldly states his own account and then contrasts it with my own, critiquing my account as he goes along. I shall in responding follow the order of his critique. But first a few general remarks. I am not sure that Peffer fully appreciates the fact that my account is meant to be a bit of ideal theory designed to apply in a complex world only under conditions of very extensive abundance. It gives us a model of what a perfectly just society would look like under such conditions and where our conceptions of

5. See Ronald DWORKIN, *Taking Rights Seriously* (Cambridge, Massachusetts: Harvard University Press, 1977), p. 182.

6. NIELSEN, "Searching for an Emancipatory Perspective: Wide Reflective Equilibrium and the Hermeneutical Circle" in Evan Simpson (ed.), *Anti-Foundationalism and Practical Reasoning* (Edmonton, Alberta: Academic Printing and Publishing, 1987), pp. 143–163.

7. NIELSEN, "On Liberty and Equality: A Case for Radical Egalitarianism," *The Windsor Yearbook of Access to Justice*, Vol. 4 (1984), pp. 121–142.

ourselves and our social world were not distorted. For our own condition it is only a heuristic to be approximated as the productive forces develop, as the society becomes such that it is no longer divided into classes and as we come to have rather saner understanding of ourselves and our situation.

In *Equality and Liberty*, I placed, particularly in the earlier sections of the book (the sections Peffer focusses on) considerable emphasis on people having the right to equal distributive shares of the benefits and burdens of the world (or at least their society)<sup>8</sup>. I now think that the really vital thing is the provision of institutional conditions making it possible, as far as they are capable of it, for people — each and everyone — to have a genuinely fair equal opportunity to satisfy first their basic needs and, when provisions are made for meeting them, to then, in the same way, make provisions for meeting their non-basic needs and finally, when such provisions have been successfully made, similar provisions could be made for satisfying their preferences, giving priority to preferences that would withstand the reflective and informed scrutiny of people reflecting on their own preferences. Such a meeting of the needs and preferences of everyone, as far and as fully as possible, is an essential goal of egalitarianism. Resources should not be exactly equal because people's needs (to understate it) are not exactly the same. The thing to aim at is an equal satisfaction of needs or, more accurately, providing social conditions which make the equal satisfaction of needs possible as far as human nature allows for it. Such an account comes close to Peffer's own stress and to the stress of Armatya Sen and Bernard Williams in the long quotation given at the end of his essay.

However, there is still my stress on a rough equality of resources. I want a rough equality of resources to insure, as far as that is possible, that all people equally have the means to satisfy their needs and, where possible, their compossibly satisfiable preferences and I want as well a rough equality of resources so that no persons or group of persons can gain dominance over others. Where power relations are unequal, where some, as in capitalist societies, dominate others, equal autonomy, equal self-respect and equal life prospects are (to put it minimally) difficult to sustain<sup>9</sup>. And without these things there is little likelihood of the equal satisfaction of needs. For that, we require roughly equal resources. Though with that commitment firmly in the background, when we fine tune things to meet differing needs, we will depart from that equality to better meet those differing needs, though the departures should never be so great as to allow unequal power structures to arise. Hence the stress on equal resources in my *Equality and Liberty*.

### III

I argue that in a perfectly just society (a society which can only obtain under conditions of abundance) each person must have an equal right to the most extensive

8. I think Peffer in his critique focuses too exclusively on my early chapters criticizing Rawls and not enough on my final chapters.

9. This is powerfully and succinctly argued by Richard Norman in a work that extensively parallels mine. Richard NORMAN, *Free and Equal* (Oxford, England: Oxford University Press, 1987).

total system of equal basic liberties and opportunities compatible with a similar treatment of all. Among these equal opportunities I include equal opportunities for meaningful work. Peffer thinks this is a mistake. The concept of meaningful work, he remarks, is not very precise and what constitutes meaningful work will vary to some extent between individuals and societies. Well yes, of course, but not so much such that for persons of reasonably normal intelligence and sensitivities work on an assembly line, carrying out manure at a racing stable, cleaning toilets in a public lavatory, picking up cigarette butts, being a bagger at a supermarket checkout is seen not to be meaningful work while being a skilled cabinetmaker, a farmer on a family farm, a civil rights lawyer, a surgeon or a university professor is. There are plenty of borderline or contestable cases (*perhaps* being a bagger is not so bad) but there is some work that could not but be alienating for any normal person and there is work that would be meaningful for almost everyone with the appropriate range of talents and interests and would be work which others without those talents or interests would recognize to be meaningful work. Thus while being a portrait painter or computer programmer is not my cup of tea I can readily understand how it would be for some others in a way sweeping floors or being a chambermaid would not, at least for people of normal intelligence and susceptibilities. It would be work we would only do, recognizing it was drudgery, because we needed or thought we needed the money or because we felt that it was still worse to remain isolated at home or we felt that circumstances made it such that it was our obligation to take a turn at it.

Peffer agrees that the notion of meaningful work is not so imprecise that there is not a correlation between, on the one hand, its being meaningful and, on the other, its being something the worker has some control over and its being creative. Presumably what Rawls calls the Aristotelian principle would also be at work here is helping us sort out what is meaningful work and what is not and in explaining why some work is more meaningful than other work. Presumably, not everyone could have meaningful work even in a technologically advanced society of abundance; however, as the productive forces develop and as abundance and a socialist control of the work processes increase, the opportunities for meaningful work also increase. There could, and presumably would, under such circumstances be much more meaningful work all around and much less drudgery.

My principles work, as I remarked, as heuristic maxims here and where it is impossible to apply them it is impossible to apply them. (Tautologies in certain contexts can be significant.) Here, as almost everywhere, ought implies can. We work under that constraint, but, that notwithstanding, we seek a world in which there is as much meaningful work as possible. Where it can be had for everyone people have a right to have the opportunity for meaningful work. Where it can't be had they, of course, do not. A just society under conditions of abundance will seek to provide those opportunities as fully and as equally as it can. There can be no talk of guarantees here but it is something that a just autonomy respecting egalitarian society, operating on the principle of moral equality, namely on the principle that the life of everyone matters and matters equally, must seek to provide to the extent it can.

## IV

Peffer also objects to my second principle of justice, namely to my claim that income and wealth are to be so divided such that each person is to have a right to an equal share after certain antecedent conditions are met. Those conditions are a) that provision has to be made for certain common social values, namely certain public goods such as transportation systems, roads, parks, schools, museums, hospitals and the like; b) that means of production and productive capacity of a society must be protected; c) that it must be recognized that people have different needs which (where possible) should be met and, that where the abundance is sufficient, people get different provisions in accordance with those sometimes differing needs and; d) that the just entitlements of individuals are to be respected. (This does not mean that in no circumstances can they be overridden.)

Peffer rightly finds fault with my proviso that our unmanipulated preferences be first taken into account before we make an equal division of resources. What, he quite properly asks, is left of strict equality of distribution if these differing preferences must be met before the rule of equal distribution goes into effect? The same applies for just individual entitlements. It is better to proceed, as I did in the last chapter of *Equality and Liberty* and writings subsequent to it, by a principle which prescribes that we are to first provide institutional conditions for the meeting of basic needs, where everyone's needs are to have equal consideration, then, where that provision has been made, we are to move to a similar consideration of non-basic needs and finally, when provision for the meeting of non-basic needs has been made, we should move to a similar consideration of preferences (particularly preferences that adequate information would not extinguish). A *roughly* equal division of resources is meant to be a way of furthering that.

Given the ideals of moral equality (the life of everyone matters and matters equally), self-respect and autonomy, when we do not know, and cannot ascertain, what the distinctive needs of the people in question are, their compossible preferences, their position in society or what just entitlements they have, the fair thing to do is to make an equal division of resources, to equally divide benefits and burdens. This is where, morally speaking, we must start until we find out more about the people in question and their situation. However, where we do know these other things — and in real life situations we always know something of them — justice requires that we qualify that commitment to the making of an equal division of resources. My second principle was designed to capture that.

There should be, as Peffer rightly argues, criteria for individual just entitlements which are not determined by a principle of strict equality. But that is exactly what I argue. *Prima facie*, I argue if someone acquires something, say a family farm or family restaurant, without force, theft or fraud, she has a just entitlement to it; this entitlement is strengthened by desert. If (as in the case of the farm or restaurant) she has cared for it diligently and ran it well that strengthens her entitlement. But, strengthened or unstrengthened, this is a *prima facie* entitlement and can be defeated where honoring it would cause considerable deprivation of the basic needs of people, as when my holdings are large and my neighbors, who have no land, are starving and

have no means of acquiring land. This is what Peffer argues as well. What puzzles me is why Peffer does not see that my account accounts for this readily enough.

I take Peffer's point about the mistake of saying that people should have precisely equal shares. What this would be we often cannot ascertain; moreover, a good bit of our wealth comes in public goods which cannot be so parcelled out. What I would argue is that in a society of abundance, where differing needs have been met, just entitlements honored as described above, contribution and desert accounted for, those benefits and burdens not so hedged in that can be divided should be divided equally. Equal division is a deep underlying value rooted in our sense of fairness. Where we do not know anything about the individuals in question our sense of what is to be done is to make an equal division but where the differences that I have specified come under our cognizance we also recognize the rightness in certain circumstances of departing from an equal division. This, however, is not a departure from the structure of argument in *Equality and Liberty*, but a restatement of it.

Egalitarians want a society of equals; they want a world in which, as far as this is possible, people will have the same life-prospects and have abundant life-prospects. They do not want a Spartan world where we share out the misery equally. They want a world in which people receive equal treatment though what this comes to is plainly a very contested matter. But I think it should entail that *ab initio* I have no greater or less right to one of the spare kidneys that just happen to be around than you do or anyone else. In this way it seems to me each has a right — a *prima facie* right — to an equal share of each and every type of good (where it is feasible that they could be so distributed) in the entire world and that a just society, where it can, will protect that right. Thus if the province of Alberta is providing free flu shots to all residents of its territory over 65 I have a right to it if I am a resident of Alberta and over 65. A good society under conditions of abundance will, as far as it can, without undermining needs of equal importance, seek to extend (for as many things as possible) the giving of whatever it is that is needed, as far as possible, to everyone who needs those things. Where people need them and they can be provided without undermining even more important needs they have a right to their provision.

It is not that the state can guarantee those rights. But their not being able to guarantee them is true very extensively of many things to which we have a right. I have a right not to be murdered or robbed and I have a right to State protection here but I can expect no guarantee that no one will murder or rob me because this is so. I can only rightly expect the State to make certain efforts on my behalf.

## V

I turn now to Kaveh Kamoohi's criticism of my conception of egalitarian justice<sup>10</sup>. He both criticizes my reading of Rawls and argues that there are no good grounds for preferring "justice as equality" (my account) to "justice as fairness" (Rawls's account). Challenging more deeply some of my central conceptions than

10. KAMOONEH, "Justice as Fairness...", pp. 65-71.



does Peffer, whose views are closer to my own, he seeks to show a) that my views are confusing and at some crucial points unargued, b) that there is no good reason to think they are an egalitarian improvement or any other kind of improvement on Rawls and c) how I have misread Rawls and how Rawls's views are not vulnerable to my criticisms. I shall not directly address c) for I am now inclined to think, particularly in the light of Rawls's writings since *A Theory of Justice*, that there is a greater complexity and resilience in Rawls's theory than I realized when writing *Equality and Liberty* and that over fundamental issues in the ideal theory of justice there is less difference between Rawls and myself than I thought when I wrote *Equality and Liberty*<sup>11</sup>. Our *fundamental* differences are not over conceptions of justice or over moral methodology but over political sociology: over what we think human society is like and what we take to be feasibly on the social agenda<sup>12</sup>. I shall rather be concerned with a) and with b). With the latter, my concern shall be, whether my views on some deep abstract level turn out to be in essence Rawlsian or not, with whether my views are sound and soundly argued. So it is essential for me to take up Kamooneh's arguments about unclarities in my account and, most importantly, what he takes to be my undefended assumptions. (It is not clear to me whether he also thinks they are undefendable). These assumptions, in any event, and apart from my own views, are both important and controversial, so that a discussion of them is to be welcomed.

I claim that lack of control over one's own life tends to undermine both moral autonomy and self-respect, particularly for a person with a reasonably good understanding of her own situation. Kamooneh tells us that I do "not provide arguments to establish the truth about this claim". I simply, he remarks, assert, assert and reassert it<sup>13</sup>. I am baffled by this. In the first place it is all too evident — or so at least it seems to me — to stand in need of argument. Part of it is analytically or conceptually true (if indeed there are any such things) or, if you are more Quinean about this, it is just a commonplace truism which, as truisms often are, is plainly true. Given the meaning of "autonomy" (alternatively an understanding of what autonomy is) and given the meaning of "control over one's life" (alternatively an understanding of what that is), if someone lacks control over her life she lacks autonomy or at least, since autonomy is something which admits of degrees, she has less autonomy than she would otherwise have. "Jane lacks control over her life but all the same she is an autonomous person" if not self-contradictory is at least problematic or, as they used to say, logically odd. Special circumstances apart, requiring considerable explication, it is not clear that such a remark has any clear sense. More concessively, since, as I have just remarked, autonomy is something that admits of degrees, If Janes lacks control over her life her autonomy is *thereby* extensively diminished. That slaves lack autonomy is not great news and that serfs have more autonomy than slaves but less than freemen who own and work family farms is also no great news. If an illegal Haitian immigrant in Miami

11. Andrew Levine has ably argued that in his review of my *Equality and Liberty*. See LEVINE, *op. cit.*, p. 416.

12. NIELSEN, "On Liberty and Equality: A Case for Radical Egalitarianism," pp. 121–142 and NIELSEN, "On the Very Possibility of a Classless Society: Rawls, Macpherson and Revisionist Liberalism," *Political Theory*, Vol. 6, No 2 (May, 1987), pp. 191–208.

13. KAMOONEH, "Justice as Fairness...", p. 71.

must sell her labor in a secretive and illegal labor market at less than the minimal wage her autonomy is thereby diminished. These social psychological and sociological things are too evident, I should think, to take much more saying. What more is Kamoonah asking for?

Perhaps he would respond "You speak here of autonomy while I spoke, and you do elsewhere, of *moral* autonomy". Well, I am unwilling to accept that there is some clear "sphere of the moral" or "moral realm" that will insulate moral autonomy from just plain old autonomy. If one's autonomy is severely diminished one's moral life is effected and it makes anything like a distinctive moral autonomy increasingly difficult. A Stoic picture of an inner moral self impervious to one's surroundings is, to put it minimally, unrealistic. This is not to deny that political prisoners, slaves and other degraded and mistreated people (say people in concentration camps) have not sometimes been able, in spite of all the horrors, to keep their integrity, their independence of judgement and in this way their moral autonomy even under such degrading and dehumanizing circumstances. But they still in such circumstances do not in a relatively straightforward way have full moral autonomy. Their moral autonomy is very circumscribed indeed and they certainly do not live autonomous lives. Moreover, even their "inner moral autonomy" (something whose reality I do not wish to deny) is very fragile in such circumstances. People are standardly not very successful Stoics. Political prisoners collapse, concentration camp victims fall apart, slaves can be demoralized and brutalized, wage slaves, as Marx remarks, can be reduced to mere appendages to a machine, slum kids are not noted for their moral autonomy nor are people habituated to living on welfare.

It is strange that Kamoonah does not look at the real world. There are, of course, saints and heroes that can withstand these onslaughts on their persons. But they, quite understandably, are rare. If the link isn't conceptual it is surely empirical (if indeed we draw that distinction at all): lack of control over your life tends to diminish your autonomy, moral and otherwise. (I am more concerned with the truth of this claim than with its logical status.)

But what about your self-respect? I do not, Kamoonah's assertion to the contrary notwithstanding, identify moral autonomy and self-respect though they are closely connected. I am not even sure that the former is a necessary condition for the latter. What I am confident about and what my account requires is that self-respect is unstable and difficult to sustain without moral autonomy. Where conditions making for moral autonomy do not obtain conditions making for self-respect do not obtain either. If self-respect is our most fundamental primary good a just society will require, where it can, that conditions making for moral autonomy be sustained. That is all my account requires here and Kamoonah has done nothing to show that it is not so or that it is not a genuine requirement of social justice. I expect that the connection is rather tighter, namely that if someone comes clearly to see that in such circumstances he has no moral autonomy, he will, if he sees that clearly and non-evasively, unless he is in some way resisting his circumstances, lose his sense of self-respect. To just go along with such treatment is the stuff that self-loathing is made of. But I do not need to make this strong claim to defend my account.

I argue that capitalism cannot provide the social basis for equal self-respect. Kamoonah says that claim is unsustainable because it rests on the undefended assumption that lack of control over our lives tends to undermine our moral autonomy and self-respect. I have defended that belief above. If my defense there was on the mark then I have, given the truth of some claims about capitalism, provided the basis for capitalism's deep and endemic injustice<sup>14</sup>.

What are these additional claims about capitalism? It is 1) the claim that capitalist societies are class-divided societies where the capitalist class dominates the other classes including the working class. It is 2) the claim that workers are collectively unfree for as a group they have no alternative but to sell their labour-power to some capitalist or capitalist surrogate or other<sup>15</sup>. It is 3) the claim that between capitalists and workers there are sharply unequal whole life-prospects and that they strongly favor the capitalists. It is 4) the claim that there are severe inequalities tilted in favour of the capitalists between the level of benefits and burdens (the level of need satisfaction and meeting of wants) had by capitalists and by workers and that in most of the capitalist world this has not diminished since the end of the Second World War<sup>16</sup>. It is 5) the claim that control over the workplace and the preponderant power in determining the extent, nature and continuation of employment goes to the capitalist class<sup>17</sup>. And finally 6) (though I do not mean to suggest that nothing could be usefully added to this list) it is the claim that the preponderance of political power and power over the media and like go to the capitalist class as well<sup>18</sup>.

If even some of these empirical claims are at least approximately true, as they certainly appear to be, they make it very difficult indeed for workers, and other non-capitalists, such as welfare-recipients, to have control over their own lives. If it is also true that this is a structural feature of capitalism, that it can only within narrowly confined limits modify, then capitalism cannot provide the social basis for equal self-respect<sup>19</sup>. If this is so then not only believers in justice as equality but consistent Rawlsians should be anti-capitalists<sup>20</sup>.

If it is also true that genuinely democratic forms of socialism are possible (as I believe they are) and that socialism would not have the above unfortunate features or

14. See my *Marxism and the Moral Point of View*.

15. G.A. COHEN, "The Structure of Proletarian Unfreedom," *Philosophy and Public Affairs* Vol. 12 (1983), pp. 3-33 and Jon ELSTER, *Making Sense of Marx* (Cambridge, England, 1985), pp. 166-234.

16. Richard C. EDWARDS *et al.* (eds.), *The Capitalist System*, Third Edition (Englewood Cliffs, New Jersey: Prentice-Hall, 1986), Chapter 6.

17. *Ibid.*, pp. 118-165; Richard EDWARDS, *Contested Terrain* (London, England: Heineman, 1979); David SCHWEICKART, "Capitalism and Work," *The Philosophical Forum* Vol. X, Nos 2-4 (Winter-Summer, 1978-9), pp. 171-180.

18. H.M. ENZENSBERGER, *Raids and Reconstructions: Essays in Politics, Crime and Culture* (London: Pluto Press, 1976), pp. 7-53.

19. See references in footnote 16 and Harry BRAVERMAN, *Labor and Monopoly Capital* (New York: Monthly Review Press, 1974).

20. David SCHWEICKART, "Should Rawls be a Socialist?" *Social Theory and Practice*, Vol. 5, No 1 (Fall, 1978), pp. 1-28; Barry CLARK and Herbert GINTIS, "Rawlsian Justice and Economic Systems," *Philosophy and Public Affairs*, Vol. 7, No 4 (Summer, 1978), pp. 302-325; and Rodney PEFFER, "Toward an Adequate Theory of Social Justice".

still worse features, as I believe it would not, then a believer in "justice as equality" or "justice as fairness" (a Rawlsian) should not only be an anti-capitalist, she should also be a democratic socialist and Rawls is mistaken in thinking that justice as fairness should be neutral with respect to the choice between socialism and capitalism.

I argued in *Equality and Liberty* that a believer in justice as equality or what I called there radical egalitarianism should take that turn. I am now delighted to see that a consistent Rawlsian with a good political sociology should also be a socialist. This means, if it is indeed so, that the quarrel between Rawls and myself, like the quarrel I had with Peffer, is a family quarrel rooted in rather smallish differences about how most perspicuously to represent social justice and not a deep difference over what justice is or what a just society should look like. The important differences that remain between Rawls and myself are over key facts about what our societies are like and over what they could possibly become<sup>21</sup>.

## VI

I want to turn now, after a stage setting prolegomena, to some more sweeping arguments by David Richards in defence of liberal equality. The prolegomena provides a good lead into Richards' critique by examining a partially distinct argument of Kamooneh's that I have not yet considered<sup>22</sup>. He argues that Rawls and Nielsen have different concepts of liberty. "True liberty" for me, as he puts it, is autonomy, that is, self-determination. "Ideals," Kamooneh remarks, "like meaningful work, self-determination and economic participation are among the favorites of socialists, and claiming that they follow from the pet liberal ideal of equal respect and concern is an illegitimate move in the absence of convincing arguments."<sup>23</sup> I attempted in V to show how vital control over one's life is for autonomy and for self-respect and to show, as well, how talk about self-determination is talk about control over one's life. These matters bear deeply on our autonomy and thus on our self-respect. Moreover, it is also a well-established fact that without meaningful work most people's lives are deeply impoverished. Even if one has without work (meaningful or otherwise) the wherewithal, being a "creative consumer" has, for most people at least, its definite limits. People's self-respect is at risk without meaningful work and, as we saw in discussing Peffer, meaningful work, while not the most crystalline of all notions, is not an obscurantist mystery. We see its links with creativity and with its being something the worker has control over or at least some reasonable input into. This clearly involves economic participation and the kind of worker's participation democratic socialists talk about. These are necessary bases for stably providing conditions favorable for autonomy and self-respect.

21. NIELSEN, *Equality and Liberty*, Chapter 5; Nielsen, "On the Very Possibility of a Classless Society: Rawls, Macpherson and Revisionist Liberalism"; Nielsen, "Rawls and the Left," *Analyse & Kritik*, Vol. 1, No 2 (July, 1980), pp. 74-97; and Nielsen, "Morality and Ideology: Some Radical Critiques of Rawls," *Graduate Faculty Philosophy Journal* (1980).

22. RICHARDS, "Book Review", pp. 1188-1201.

23. KAMOONEH, "Justice as Fairness...", p. 69.

It could no doubt be responded that I am speaking of liberty as autonomy while the liberal and Rawlsian ideal is liberty as non-interference, namely "negative liberty", not "positive liberty". That, however, is not exactly right, as Kamoonch points out himself, for Rawls's list of liberties while still, as Kamoonch puts it, "formal liberties that can be had under the rule of law" yet they are wider than negative liberties. Rawls does not define "basic liberties" but lists them as follows: "political liberties (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law."<sup>24</sup>

I, on the other hand, with my stress on self-determination and political and economic participation, bring in a stronger notion of liberty as autonomy. But, *pace* Kamoonch, we both have an *equal* liberty principle, so in that sense equality for both Rawls and myself is there right from the start. It is affirmed in both our first principles of justice. The principal difference is that I have a richer notion of liberty as involving autonomy. To be free in the most fundamentally important sense is, as I view it, to be autonomous. Rawls's basic liberties are indeed strategically essential, for autonomy cannot be secured without them or at least not equal or even extensive autonomy for many people. However, these Rawlsian basic liberties are liberties whose value is primarily instrumental in helping to secure autonomy and helping people, where they do not harm others, to live as they please. What for me is an alternative phrasing of my first principle of justice is this: Each person is to have an equal right to the most extensive possible control over her life compatible with the same right being in force for all. We, or at least most of us, want autonomy and, even more relevantly, whether we want it or not, it is one of our highest order interests to be autonomous persons. An autonomous person is a person who is able to set her ends for herself and in optimal circumstances is able to pursue those ends. Such a person is a self-directed person. But, where some have power and control over others, self-direction and autonomy are undermined. Autonomy or self-direction requires control over one's life and it is self-direction — that is autonomy — which is intrinsically desirable not non-interference — that is negative liberty. Non-interference is only valuable where it is an aid to our being able to do what we want and where we are sufficiently autonomous, including sufficiently rational, to have some control over our wants. And without control over our wants, we cannot be self-directed or autonomous. What is centrally valuable here is to be an autonomous self-directing person in control of one's own life. But for this valuable state of affairs to be at all extensive there must obtain a rough equality of condition and for that, in turn, to obtain there must be a rough equality of resources.

David Richards, in his wide ranging critique of my radically egalitarian conception of justice, which he not inappropriately calls a theory of socialist equality, resists the ideal that I have presented. He does not believe that it is a convincing alternative to a Rawlsian theory of liberal equality. He thinks I take the high *a priori* road — something which is clearly an unacceptable rationalism and dogmatism — in claiming that Rawls

24. John RAWLS, *A theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), p. 61.

should *a priori* reject the justice of capitalism. He also asserts that I uncritically accept *state* socialism and the *state* ownership of the means of production. He thinks both my first and second principles of justice “mandate, by their terms, the social reality of state ownership of the basic means of production, because they focus not only on goods produced but on the allocation and ownership of the productive process itself”<sup>25</sup>.

On the last point first. Richards is simply wrong about my position as attention to my preface makes clear. The form of socialism I defend is not *State* ownership and control of the basic means of production but a social ownership and control of the basic means of production where it is centrally the workers who own and control the means of production. He correctly quotes me as saying “an egalitarian conception of justice requires... a socialist organization of society”<sup>26</sup>. But that says or implies nothing about *State* ownership and it is not an *a priori* claim. I bring in *Equality and Liberty* both moral and factual argument for that claim, as I have in this essay. Perhaps my arguments and empirical claims are mistaken or in some way onesided or otherwise defective but they are not *a priori* claims and I do not object to Rawls’s theory of justice because he does not *a priori* disallow the justice of capitalism<sup>27</sup>.

Richards rightly says that “the question as between Rawls and Neilsen is whether an appropriately rich conception of the just terms of social cooperation, in a community of equal respect, requires... socialism...”<sup>28</sup> He speaks of *State* socialism and of it as something I just stipulate. As I have just pointed out, it is neither something I stipulate nor is it *State* socialism I am urging. However, putting aside those misunderstandings and keeping in mind I am limiting my discussion to the contemporary world — that is our world and what it might be like in the next several hundred years — Richards does indeed point to what is essentially at issue. I argue, not stipulate or try to make it into an *a priori* truth, that in a capitalist society there cannot possibly be “just terms of cooperation, in a community of equal respect”. (Modal terms do not standardly point to logical truths.) The capitalist societies we know are class-divided societies with vast privileges and advantages going to the capitalist class and some of its facilitators at the expense of the working class and the unemployed. There are persistent very steep inequalities in wealth and power between capitalists, on the one hand, and proletarians and lumpen-proletarians on the other. These things can and have been to a degree ameliorated in certain capitalist societies. Iceland is not as bad a place to be in this respect as Britain, but, as has been amply empirically demonstrated, vast differences remain in the best of capitalist societies between capitalists and workers and they are structural feature of capitalism that will not go away with a few reforms. There is no capitalism without an owning and controlling class and a class who must sell their labour-power to some capitalist or other or alternatively some of them may sell their labour-power to some state organization or other which, given the interests that are predominant in capitalist societies, is not so unlike selling their labour-power to some capitalist or other. (I called them earlier

25. RICHARDS, “Book Review”, p. 1197.

26. *Ibid.*

27. Cf. *ibid.*

28. *Ibid.*, p. 1200.

capitalist surrogates.) With this structure of who sells and who buys there goes a dominance and control that undermines autonomy and tends to undermine equal self-respect. Recall that for most of us our work, if we have any, is one of the central aspects of our lives and our not having work, if that is our lot, is also a central aspect of our lives.

Let me ask Richards how in a world that is class divided there can possibly be a Kantian Kingdom of ends, a respect for and a concern for the autonomy of all human beings, the institutionalization of just terms of social cooperation. How is this, or is it, possible in a world that is class-divided as capitalist societies are (and must be)? How, let me further ask, can a society possibly be a capitalist society where there is not capitalist class hegemony and the inequalities of power with their tendencies to undermine the autonomy and self-respect of those — the many those — who are dominated or, if you will, to put it in gentler terminology, are the ones with little power and little to say in controlling their lives? (Formal procedures of democracy do little to rectify this which is not, of course, to say they should not remain in place.) Until such questions are satisfactorily answered, if indeed they can be satisfactorily answered, Richards's claim has not been sustained that there is "no better reason to follow Nielsen in believing that justice requires socialism than there is to follow Nozick in believing that justice requires unregulated market capitalism"<sup>29</sup>. (R 1200)

There is, however, an important point made by Richards which is well taken, a point rather fully developed by Alan Buchanan in his *Marx and Justice*, where he compares Rawls and Marx<sup>30</sup>. It is indeed in effect a well directed corrective to my argument in *Equality and Liberty*. It appears, at least, to put not too fine a point on that corrective, that at the abstract level of ideal theories of justice there is not the sharp contrast between liberal theories such as those of Rawls and Dworkin and socialist theories such as my own or Peffer's. Rawls's democratic equality and my own socialist equality are normatively speaking in the same ball park. Rawls's difference principle can be given a less conservative reading that I gave it and indeed should be given a less conservative reading if we attend to what he says about the fair worth of equal liberties and about the need for a genuinely fair equality of opportunity<sup>31</sup>. (These are very strong requirements requiring an equality of condition.)

Rawls's contention is that "talent is morally fortuitous and thus cannot be claimed as a private moral acquisition, inviolably private"<sup>32</sup>. This, together with Rawls's stress on a social union of social unions, the centrality of the Kantian notion of self-respect and the idea that this ideal can never be compromised by a theory of justice, is more or less the same as my socialist conception of justice and equality.

29. *Ibid.*

30. Alan BUCHANAN, *Marx and Justice* (Totowa, New Jersey: Rowman and Littlefield, 1982), pp. 103–161.

31. Sibyl SCHWARZENBACH, "Rawls and Ownership: The Forgotten Category of Reproductive Labor" in Marsha Hanen and Kai Nielsen (eds.), *Science, Morality and Feminist Theory* (Calgary, Alberta: University of Calgary press, 1987), pp. 139–167 and Susan MOLLER OKIN, "Justice and Gender", *Philosophy and Public Affairs*, Vol. 16 (Winter, 1987), pp. 42–72.

32. RICHARDS, "Book Review", p. 1199.

Though I stress, in the way Rawls does not, the importance of finding some modest place for considerations of desert and for individual entitlements.

Our theories contrast markedly with both utilitarianism and libertarian theories such as Nozick's or David Gauthier's. More generally, Richards and Buchanan are right to stress that "central perceptions of Marxism are preserved in Rawls's liberalism"<sup>33</sup>. Put in historical materialist terms, which are not, of course, their own terms, we should say the following: just as in the economic sphere socialism builds on the great productive advances of capitalism while transforming capitalism, so too in the superstructure socialist ideals build on and transform liberal ideals. When it comes to the expression of general normative conceptions much of the sort of liberalism espoused by Rawls, Dworkin and Richards, as well as the earlier similar variety of liberalism articulated by Dewey, Hobhouse and T.H. Green, will be incorporated in a somewhat transformed way in Marxist theory. Those traditions have much in common.

It is when pulled down into the more concrete realms of institutional analysis, conceptions of social structure and the analysis of political and economic realities that the clash comes out between liberalism of Rawls's sort and Marxism and it is there that my views contrast rather starkly with those of Rawls, Dworkin and Richards: key articulators of the contemporary egalitarian liberal tradition<sup>34</sup>. The contrast between liberal egalitarianism and socialist egalitarianism comes out starkly in what Richards correctly says on Rawls's behalf about democratic equality and the proper utilization of human resources. "Rawls's idea of 'democratic equality,'" Richards remarks, "supposes reasonable terms for the cooperative sharing of the public resources of culture and human talent and the harnessing of these resources for the *benefit of classes* that would otherwise be worse off."<sup>35</sup> A few lines later Richards remarks, "Rawls's theory also supports the Marxian perspective of a community's legitimate interest in using cultural and human resources to work for the *benefit of worst-off classes* according to a publicly acknowledged ethic of reciprocal reward and service rather than to perpetuate entrenched traditional advantages"<sup>36</sup>. These passages, looked at conventionally, seem, in a liberal welfarish way, benign enough but in reality they contrast sharply with a Marxist perspective whose conception of emancipation requires classlessness: the achieving of conditions that would lead to the end of class society. Richards, with Rawls, takes classes as given and seeks not to go beyond class society or to articulate principles of justice for a classless society, as socialist justice as equality does, but seeks instead, in a humane way, to ameliorate the condition of the worst off class in class society rather than attacking class society itself and claiming that a fully just society, under conditions of abundance and productive advance, must be a classless society. Instead on the liberal conception, a perfectly just society can be a society in which we will so ameliorate the condition of the worst off class in society

33. *Ibid.*, p. 1200.

34. These chaps on G.A. Cohen's admittedly regimented conception of liberalism are not liberals at all but social democrats. But then so much the worse for such regimented definitions.

35. RICHARDS, p. 1199. Emphasis mine.

36. *Ibid.* Emphasis mine.



while accepting the *legitimacy* of class society. A class society will be a society of unequal power relations where the capitalist class, in various places in various degrees of severity, dominate the working class and make equal autonomy impossible and equal self-respect unlikely. This goes against key Rawlsian conceptions but, as we see from the quotations of Richards given above, Rawlsians in a standard liberal tradition still believe that society, even under conditions of abundance, can be both class divided and perfectly just. Liberals accept this class-dividedness as inevitable and make whatever pictures they make of a just society accepting these constraints. My socialist conception of justice rejects this and argues that a just society, under economic conditions like those of the wealthier capitalist democracies, must be a classless society and the achievement of that requires the transformation to socialism. This is not, *a priori*, a dogma or a stipulation on my part but rests on a set of factual claims, some conceptions of what is possible and on moral reflection and analysis.